

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7: 20-CR-20-1-BO**

**UNITED STATES OF AMERICA                  )  
    )  
    )  
v.    )       **MOTION FOR RECONSIDERATION  
    )  
HOWARD PIERCE                             )**  
    )  
    )**

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NOW COMES the Defendant, Howard Pierce, by and through the undersigned counsel, pursuant to 18 U.S.C. Section 3145 and requests that this Court reconsider the Order of Detention entered on March 12, 2020 by the Honorable Robert B. Jones, Jr., United States Magistrate Judge. On that date, after hearing, the Court granted the Government's Motion for Detention pending trial. In support of this Motion, the defendant shows unto the Court as follows:

1.       That the defendant has been in custody since March 5, 2020.
2.       That the defendant is sixty-three years old and has some serious health conditions that place him at increased risk if he were to contract COVID-19.
3.       That COVID-19 poses a significant risk to all persons in custody, but more so for persons of the defendants age and physical condition.
4.       That the defendant suffers from high blood pressure, anxiety disorder, depression, has had fluid on his lungs several times and has numerous physical ailments resulting from a previously broken back and being shot in July of 2011.
5.       That the defendant is not a danger to society and is not a risk of flight.

6. Defendant has resided in the Eastern District of North Carolina for most of his adult life.

7. That the defendant has no criminal convictions other than traffic violations since 1988.

8. That the defendant has a different 3<sup>rd</sup> party custodian than was present at his detention hearing on March 12, 2020.

9. That the defendant is a 100% disabled veteran and received a honorable discharge from the United States Marine Corps in 1976.

10. That the Court released the co-defendant in this matter after the Government moved for detention.

11. That the Pretrial services report filed with the Court on March 10, 2020 recommended that the defendant be released on a personal recognizance bond with conditions.

Wherefore, the defendant requests that the Court reconsider its Order of Detention entered on March 12, 2020 and enter an order allowing defendant to be released on conditions due to defendant's health concerns, his increased risk of contracting COVID-19, his age, his disability and his lack of criminal history over the last thirty years.

Respectfully submitted this 12<sup>th</sup> day of August 2020.

WENTZ LAW, PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that I this day have served a copy of this Notice of Appearance upon the United States by electronically filing the foregoing with the Clerk of Court on March 19, 2020 using the CM/ECF system, which sends notification of such filing to:

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